

IN THE SUPREME COURT OF THE STATE OF MONTANA

SUPREME COURT CAUSE No. DA 09-0674

Robert James Thomas DOC# 2067081  
Pro Se Appellant  
Dawson County Correctional Facility  
440 Colorado Blvd.  
Glendive, MT 59330  
(406) 377-7600

ROBERT JAMES THOMAS,  
Appellant,

v.

STATE OF MONTANA,  
Appellee.

NOTICE OF APPEAL

FILED  
DEC 17 2009  
Ed Smith  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA

NOTICE is given that Robert James Thomas, the Appellant above-named and who is the petitioner in that cause of action filed in the Fourth Judicial District, in and for the County of Missoula, as Cause No. DV-09-1313 hereby appeals to the Supreme Court of the State of Montana from the final judgement or order entered in such action on the 16th day of November, 2009.

**THE APPELLANT FURTHER CERTIFIES:**

1. That this appeal is not subject to the mediation process required by M.R. App. P. 7.
2. That this appeal is not an appeal from an order certified as final under M.R. Civ. P. 54(b).
3. That the notice required by M.R. App. P. 27 regarding the constitutionality of any act of the Montana Legislature, is not applicable in this appeal.
4. That all available transcripts of the proceedings in this cause have been ordered from the court reporter contemporaneously with the filing of this notice of appeal.
5. That included herewith is the affidavit to proceed without payment of the required filing fee prescribed in the Appendix of Forms as Form 3.

DATED this 11<sup>th</sup> day of December, 2009.

Robert J. Thomas  
ROBERT JAMES THOMAS  
PRO SE APPELLANT

CERTIFICATE OF SERVICE

I hereby certify that I have filed a true and accurate copy of the foregoing NOTICE OF APPEAL with the Clerk of the Montana Supreme Court; and that I have served true and accurate copies of the foregoing NOTICE OF APPEAL upon the Clerk of the District Court, each attorney of record, and each party not represented by an attorney in the above-represented District Court action, as follows:

Clerk Of District Court  
Missoula Co. Courthouse  
200 W. Broadway  
Missoula, MT 59802

Attorney General  
Department of Justice  
P.O. Box 201401  
Helena, MT 59620-1401

Missoula County Attorney  
Missoula Co. Courthouse  
200 West Broadway  
Missoula, MT 59802

DATED this 11<sup>th</sup> day of December, 2009.

Robert J. Thomas  
ROBERT J. THOMAS DOC# 2067081  
Dawson Co. Correctional Facility  
440 Colorado Blvd.  
Glendive, MT 59330